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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RICHARD DEEDS,

Plaintiff,

v.

ROMEO ARANAS, et al.,

Defendants.

3:15-cv-00547-RCJ-VPC

ORDER

I. DISCUSSION

Plaintiff has submitted a motion for 30 day enlargement of time to file his first amended complaint and a motion for order directing clerk to issue summonses for defendants. (ECF No. 16, 18).

Plaintiff seeks an extension of time to file his first amended complaint to allow the Court to first rule on his motion for reconsideration (ECF No. 15). Since the filing of Plaintiff's motion, the Court has denied Plaintiff's motion for reconsideration, and he may now file his amended complaint, if he so chooses. (ECF No. 17). The Court does not grant Plaintiff's request to file summonses for defendants (ECF No. 18), as this request is premature.

Plaintiff is granted leave to file an amended complaint to cure the deficiencies of the complaint, as stated in the Court's original screening order. If Plaintiff chooses to file an amended complaint he is advised that an amended complaint supersedes the original complaint and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading

1 supersedes the original"); see also *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012)
2 (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such
3 claims in a subsequent amended complaint to preserve them for appeal). Plaintiff's amended
4 complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to
5 pursue in this lawsuit. Moreover, Plaintiff must file the amended complaint on this Court's
6 approved prisoner civil rights form and it must be entitled "First Amended Complaint."

7 The Court notes that if Plaintiff chooses to file an amended complaint curing the
8 deficiencies of the complaint, as outlined in this order, Plaintiff shall file the amended
9 complaint by July 11, 2016. If Plaintiff chooses not to file an amended complaint curing the
10 stated deficiencies, this action shall proceed on the surviving portions of Counts II and V only,
11 as outlined in the Court's original screening order. (See ECF No. 13 at 11-13).

12 II. CONCLUSION

13 For the foregoing reasons, IT IS ORDERED that Plaintiff's motion a 30 day enlargement
14 of time to file his first amended complaint (ECF No. 16) is GRANTED. If Plaintiff chooses to
15 file an amended complaint curing the deficiencies of the Complaint as outlined in the Court's
16 original screening order, he shall file the amended complaint by July 11, 2016.

17 IT IS FURTHER ORDERED that if Plaintiff chooses not to file an amended complaint
18 curing the deficiencies of the Complaint, this action shall proceed on the surviving portions of
19 Counts II and V only, as outlined in the Court's original screening order. (See ECF No. 13 at
20 11-13).

21 IT IS FURTHER ORDERED that Plaintiff's motion for order directing clerk to issue
22 summonses for defendants (ECF No. 18) is DENIED.

23
24 DATED: This 14th day of June, 2016.

25
26 
27 United States Magistrate Judge
28